

RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2872



Docket No. 35.G2449  
Date: October 5, 2001

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: SEIJI TAKEUCHI, et al.

Application No.: 09/393,966

For: OPTICAL ELEMENT AND OPTICAL SYSTEM

Filed: September 10, 1999

Group Art Unit: 2872

Examiner: J. Treas

**BOX AF**  
Commissioner for Patents  
Washington, D.C. 20231

#10  
Notice of  
Appeal  
Submitted  
10/11/01  
RECEIVED  
OCT 11 2001  
TECHNOLOGY CENTER 2800

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 5, 2001 of the Primary Examiner finally rejecting claims 1, 3-26 and 28-67.

The item(s) checked below are appropriate.

1. ☒ A Petition for a three month extension of time to respond to the final rejection, together with the \$920.00 extension fee under 37 C.F.R. §1.17, is being filed concurrently herewith.
2. ☐ A Petition for an additional        month extension of time to take further action, together with the \$       extension fee under 37 C.F.R. §1.17, was filed on       .
3. ☒ Fee \$320.00  
☐ Fee \$155.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)  
☒ Enclosed

10/10/2001 AWONDAF1 00000070 09393966

01 FC:119

320.00 OP

☐ Not required (fee paid in prior appeal)

☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.

5. ☒ Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



\_\_\_\_\_  
Attorney for Applicants  
Steven E. Warner  
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SEW:kjs